

UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO

IN THE MATTER OF:
NORMA IVELISSE SOTO GUTIERREZ
Debtor(s)
XXX-XX-1983

CASE NO: 19-00034-(BKT)
CHAPTER 13

NOTICE OF POST CONFIRMATION MODIFICATION OF
PLAN DATED MAY 22nd, 2019

TO THE HONORABLE COURT:

COMES NOW Debtor, through the undersigned attorney, and to this Honorable Court respectfully states, alleges and prays as follows:

1. That a modified plan dated May 30th, 2021 which is attached, has been filed with the Clerk of this Court.
2. That the Chapter 13 plan previously confirmed by this Honorable Court will remain in full force and effect unless the modified plan becomes the plan.
3. The education institution that employed the debtor came to almost standstill with the COVID 19 pandemic and debtor decrease earning income since March 16th 2020, which caused to be extremely difficult maintain the regular payment in the Chapter 13 plan.
4. Debtor requests a modification of the Chapter 13 payment Plan and extended from five to seven years the payment plan period.
5. To provide a confirmable plan pursuant 11 USC §1322 and §1329, Debtor submits to this Honorable Court an amended plan, dated May 30th, 2021.

Debtor's plan base is as follows:

- a. \$300.00 during the first 3 months of the plan;
- b. \$468.00 during 1 months of the plan ;
- c. \$503.00 during 23 months of the plan ;
- d. \$295.00 during 57 months of the plan ;

☐ TAX REFUNDS WILL BE DEVOTED EACH YEAR, AS PERIODIC PAYMENTS, TO THE PLAN'S FUNDING UNTIL PLAN COMPLETION.

THE TENDER OF SUCH PAYMENTS SHALL DEEM THE PLAN
MODIFIED BY SUCH AMOUNT, INCREASING THE BASE THEREBY
WITHOUT THE NEED OF FURTHER NOTICE, HEARING OR COURT
ORDER. IF NEED BE, FOR THE USE BY DEBTOR OF A PORTION OF
SUCH REFUND, DEBTOR SHALL SEEK THE COURT'S AUTHORIZATION
PRIOR TO ANY USE OF SAID FUNDS.□

WHEREFORE, it is respectfully requested from this Honorable Court to approve the attached post confirmation plan dated May 30th , 2021.

WE HEREBY CERTIFY that on this same date copy of this notice has been sent to Mr. Jose Ramon Carrion, Esq. through ECF Filing System, and to all case participants.

RESPECTFULLY SUBMITTED

In San Juan, PR, May 30th , 2021.

GERMAN A. RIECKEHOFF

/s/ German A. Rieckehoff
273 Uruguay St.
Centrum Plaza 5A
San Juan, Puerto Rico 00917
Tel. (787) 415-1453
Fax (787) 767-7688
griekhehoff@yahoo.com

UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO

IN THE MATTER OF:

NORMA IVELISSE SOTO GUTIERREZ
XXX-XX-1983
Debtor(s)

CASE NO: 19-00034-(BKT)

CHAPTER 13

21-DAY NOTICE:

IN ACCORDANCE WITH FRBP 1017, FRBP 2002, AND FRBP 9013, AND LOCAL GENERAL ORDER NO 97-01, THE DEBTORS, ALL CREDITORS AND PARTIES IN INTEREST IN THIS CASE, ARE HEREBY NOTIFIED THAT UNLESS AN OPPOSITION TO THIS MOTION IS SUBMITTED IN WRITING WITHIN 21 DAYS FROM THE DATE APPEARING IN THE CERTIFICATE OF SERVICE, INFRA, THE COURT MAY GRANT THIS MOTION, WITHOUT A HEARING.

WE HEREBY CERTIFY that on this same date copy of this notice has been sent to Mr. Jose R. Carrion, Esq. through ECF Filing System, and to all case participants.

Respectfully submitted,

In San Juan, Puerto Rico this 30th, day of May 2021.

GERMAN A. RIECKEHOFF

/s/ German A. Rieckehoff
273 Uruguay St.
Centrum Plaza 5A
San Juan, Puerto Rico 00917
Tel. (787) 415-1453
Fax (787) 767-7688
griekhehoff@yahoo.com

**ICALCUCAN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

In Re:
NORMA IVELISSE SOTO GUTIERREZ

xxx-xx-1983

Case No.: **19-00034**

Chapter 13

- ☒ Check if this is a pre-confirmation amended plan
☐ Check if this is a post confirmation amended plan

Proposed by:

- ☐ Debtor(s)
☐ Trustee
☐ Unsecured creditor(s)

Puerto Rico Local Form G

Chapter 13 Plan dated **MAY 30, 2021** .

If this is an amended plan, list below the sections of the plan that have been changed.

PART 2.1

PART 1: Notices

To Debtor(s): This form sets out options that may be appropriate in some cases, but the presence of an option on the form does not indicate that the option is appropriate in your circumstances or that it is permissible in your judicial district. Plans that do not comply with local rules and judicial rulings may not be confirmable.

In the following notice to creditors, you must check each box that applies

To Creditors: Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated.

You should read this plan carefully and discuss it with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one. The headings contained in this plan are inserted for reference purposes only and shall not affect the meaning or interpretation of this plan.

If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation at least 7 days before the date set for the hearing on confirmation, unless otherwise ordered by the Bankruptcy Court. The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015. In addition, you must file a timely proof of claim in order to be paid under this plan, unless ordered otherwise.

If a claim is withdrawn by a creditor or amended to an amount less than the amount already disbursed under the plan on account of such claim: (1) The trustee is authorized to discontinue any further disbursements to related claim; (2) The sum allocated towards the payment of such creditor's claim shall be disbursed by the trustee to Debtor's remaining creditors. (3) If such creditor has received monies from the trustee (Disbursed Payments), the creditor shall return funds received in excess of the related claim to the trustee for distribution to Debtor's remaining creditors. (4) If Debtor has proposed a plan that repays his or her creditors in full, funds received in excess of the related claim shall be returned to the Debtor.

The following matters may be of particular importance. Debtor(s) must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not included" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

1.1	A limit on the amount of a secured claim, set out in Section 3.2, which may result in a partial payment or no payment at all to the secured creditor	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
1.2	Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Section 3.4.	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
1.3	Nonstandard provisions, set out in Part 8.	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not Included

PART 2: Plan Payments and Length of Plan

2.1 Debtor(s) will make payments to the trustee as follows:

PMT Amount	Period(s)	Period(s) Totals	Comments
\$300.00	Months 1 through 3	\$900.00	
\$468.00	Months 4	\$468.00	

Debtor **NORMA IVELISSE SOTO GUTIERREZ**Case number **19-00034**

\$503.00	Months 5 through 27	\$11,569.00	
\$295.00	Months 28 through 84	\$16,815.00	INCREASE MONTHLY PERIODS
Subtotals	84 Months	\$29,752.00	

Insert additional lines if needed

If fewer than 60 months of payments are specified, additional monthly payments will be made to the extent necessary to make the payments to creditors specified in this plan.

2.2 Regular payments to the trustee will be made from future income in the following manner:*Check all that apply*

- ☐ Debtor(s) will make payments pursuant to a payroll deduction order.
☒ Debtor(s) will make payments directly to the trustee.
☐ Other (specify method of payment): _____

2.3 Income tax refunds:

Debtor(s) will supply the trustee with a copy of each income tax return filed during the plan term within 14 days of filing the return and will comply with 11 U.S.C. § 1325(b)(2). If the Debtor(s) need(s) to use all or a portion of such "Tax Refunds," Debtor(s) shall seek court authorization prior to any use thereof.

2.4 Additional payments:*Check one.*

- ☒ **None.** If "None" is checked, the rest of § 2.4 need not be completed or reproduced.

PART3: Treatment of Secured Claims**3.1 Maintenance of payments and cure of default, if any.***Check one.*

- ☒ **None.** If "None" is checked, the rest of § 3.1 need not be completed or reproduced.

3.2 Request for valuation of security, payment of fully secured claims, and modification of undersecured claims.*Check one.*

- ☒ **None.** If "None" is checked, the rest of § 3.2 need not be completed or reproduced.

3.3 Secured claims excluded from 11 U.S.C. § 506.*Check one.*

- ☒ **None.** If "None" is checked, the rest of § 3.3 need not be completed or reproduced.

3.4 Lien Avoidance.*Check one.*

- ☒ **None.** If "None" is checked, the rest of § 3.4 need not be completed or reproduced.

3.5 Surrender of collateral.*Check one.*

- ☒ **None.** If "None" is checked, the rest of § 3.5 need not be completed or reproduced.

3.6 Pre-confirmation adequate protection monthly payments ("APMP") to be paid by the trustee.

- ☒ Payments pursuant to 11 USC §1326(a)(1)(C):

*Name of secured creditor**\$ Amount of APMP**Comments***RELIABLE AUTO****140.00**

Insert additional claims as needed.

Pre-confirmation adequate protection payments made through the plan by the trustee are subject to the corresponding statutory fee.

3.7 Other secured claims modifications.

Check one.

☐ **None.** If "None" is checked, the rest of § 3.7 need not be completed or reproduced.

☒ Secured claims listed below shall be modified pursuant to 11 U.S.C. § 1322(b)(2) and/or § 1322(c)(2). Upon confirmation, the trustee shall pay the allowed claim as expressly modified by this section, at the annual interest rate and monthly payments described below. Any listed claim will be paid in full through disbursements by the trustee, with interest, if any, at the rate stated, pro-rated unless a specific amount is provided below. Unless otherwise ordered by the court, the amounts listed on a proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) control over any contrary amounts listed below. In the absence of a contrary timely filed proof of claim, the amounts stated below are controlling. If no monthly payment amount is listed below, distribution will be prorated according to plan section 7.2.

Name of creditor	Claim ID#	Claim Amount	Modified interest rate	Modified term (Months)	Modified P&I	Property taxes (Escrow)	Property Insurance (Escrow)	Total monthly payment	Estimated total PMTs by trustee
RELIABLE AUTO	xxxxx1983	\$15,284.36	0.00%						\$15,284.36
		<input checked="" type="checkbox"/> To be paid in full 100%							
							Starting on Plan Month		

Insert additional claims as needed.

PART 4: Treatment of Fees and Priority Claims

4.1 General

Trustee's fees and all allowed priority claims, including domestic support obligations other than those treated in § 4.5, will be paid in full without postpetition interest.

4.2 Trustee's fees

Trustee's fees are governed by statute and may vary during the term of the plan, nevertheless are estimated for confirmation purposes to be 10 % of all plan payments received by the trustee during the plan term.

4.3 Attorney's fees

Check one.

☒ **Flat Fee:** Attorney for Debtor(s) elect to be compensated as a flat fee for their legal services, up to the plan confirmation, according to LBR 2016-1(f).

OR

☐ **Fee Application:** The attorneys' fees amount will be determined by the court, upon the approval of a detailed application for fees and expenses, filed not later than 14 days from the entry of the confirmation order.

Attorney's fees paid pre-petition:

\$ 500.00

Balance of attorney's fees to be paid under this plan are estimated to be:

\$ 2,500.00

If this is a post-confirmation amended plan, estimated attorney's fees:

\$

4.4 Priority claims other than attorney's fees and those treated in §§ 4.5, 4.6

Check one.

☒ **None.** If "None" is checked, the rest of § 4.4 need not be completed or reproduced.

4.5 Domestic support obligations assigned or owed to a governmental unit and paid less than full amount.*Check one.*☒ **None.** If "None" is checked, the rest of § 4.5 need not be completed or reproduced.**4.6 Post confirmation property insurance coverage***Check one.*☐ **None.** If "None" is checked, the rest of § 4.6 need not be completed or reproduced.☒ The Debtor(s) propose to provide post confirmation property insurance coverage to the secured creditors listed below:

Name of creditor insured	Insurance Company	Insurance coverage beginning date	Estimated insurance premium to be paid	Estimated total payments by trustee
EASTERN AMERICA INSURANCES COMPANY			\$1,887.00	\$1,887.00
			Disbursed by:	
			<input checked="" type="checkbox"/> Trustee	
			<input type="checkbox"/> Debtor(s)	

*Insert additional claims as needed.***PART 5: Treatment of Nonpriority Unsecured Claims****5.1 Nonpriority unsecured claims not separately classified.**

Allowed nonpriority unsecured claims that are not separately classified will be paid pro rata. If more than one option is checked, the option providing the largest payment will be effective.

Check all that apply.

- ☐ The sum of \$ _____
- ☐ _____ % of the total amount of these claims, an estimated payment of \$ ____.
- ☐ The funds remaining after disbursements have been made to all other creditors provided for in this plan.
- ☒ If the estate of the debtor(s) were liquidated under chapter 7, nonpriority unsecured claims would be paid approximately \$ 6,158.00.

5.2 Maintenance of payments and cure of any default on nonpriority unsecured claims.*Check one.*☒ **None.** If "None" is checked, the rest of § 5.2 need not be completed or reproduced.**5.3 Other separately classified nonpriority unsecured claims.***Check one.*☒ **None.** If "None" is checked, the rest of § 5.3 need not be completed or reproduced.**PART 6: Executory Contracts and Unexpired Leases****6.1 The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected.***Check one.*☒ **None.** If "None" is checked, the rest of § 6.1 need not be completed or reproduced.**PART 7: Vesting of Property of the Estate & Plan Distribution Order**

7.1 Property of the estate will vest in the Debtor(s) upon

Check the applicable box:

- ☒ Plan confirmation.
☐ Entry of discharge.
☐ Other: _____

7.2 Plan distribution by the trustee will be in the following order:

(The numbers below reflect the order of distribution; the same number means prorated distribution among claims with the same number.)

1. Distribution on Adequate Protection Payments (Part 3, Section 3.6)
1. Distribution on Attorney's Fees (Part 4, Section 4.3)
1. Distribution on Secured Claims (Part 3, Section 3.1) – *Current contractual installment payments*
2. Distribution on Post Confirmation Property Insurance Coverage (Part 4, Section 4.6)
2. Distribution on Secured Claims (Part 3, Section 3.7)
2. Distribution on Secured Claims (Part 3, Section 3.1) – Arrearage payments
3. Distribution on Secured Claims (Part 3, Section 3.2)
3. Distribution on Secured Claims (Part 3, Section 3.3)
3. Distribution on Secured Claims (Part 3, Section 3.4)
3. Distribution on Unsecured Claims (Part 6, Section 6.1)
4. Distribution on Priority Claims (Part 4, Section 4.4)
5. Distribution on Priority Claims (Part 4, Section 4.5)
6. Distribution on Unsecured Claims (Part 5, Section 5.2)
6. Distribution on Unsecured Claims (Part 5, Section 5.3)
7. Distribution on General Unsecured claims (Part 5, Section 5.1)

Trustee's fees are disbursed before each of the distributions above described pursuant to 28 U.S.C. § 586(e)(2).

PART 8: Nonstandard Plan Provisions**8.1 Check "None" or list the nonstandard plan provisions**

- ☐ **None.** If "None" is checked, the rest of Part 8 need not be completed or reproduced.

Under Bankruptcy Rule 3015(c), nonstandard provisions must be set forth below. A nonstandard provision is a provision not otherwise included in the Official Form or deviating from it. Nonstandard provisions set out elsewhere in this plan are ineffective.

Each paragraph below must be numbered and labeled in boldface type, and with a heading stating the general subject matter of the paragraph.

The following plan provisions will be effective only if there is a check in the box "Included" in § 1.3.

8.2 This Section modifies LBF-G, Part 2, Section 2.3: Income Tax Refunds to be used to fund the plan:

Tax refunds will be devoted each year, as periodic payments, to fund the plan until the plan's completion. The tender of such payments shall deem the plan modified by such amount, increasing the base without the need of further Notice, Hearing or Court Order. If the Debtor(s) need(s) to the use all or portion of such "Tax Refunds", Debtor(s) shall seek Court's authorization prior to any use of funds

Insert additional lines as needed.

PART 9: Signature(s)/s/ LCDO GERMAN RIECKEHOFF PEREZLCDO GERMAN RIECKEHOFF PEREZ217704

Signature of Attorney of Debtor(s)

Date MAY 30, 2021/s/ NORMA IVELISSE SOTO GUTIERREZNORMA IVELISSE SOTO GUTIERREZDate MAY 30, 2021

By filing this document, the attorney for Debtor(s) or Debtor(s) themselves, if not represented by an attorney, also certify(ies) that the wording and order of the provisions in this chapter 13 plan are identical to those contained in Local Form G (LBF-G), other than any nonstandard provisions included in Part 8.